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EXAMINER
TURNER, ASHLEY D

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/747,705	CROMER ET AL.
	Examiner	Art Unit	
	Ashley D. Turner	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>12/24/2003</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of

the following is required: The specification does not provide a clear antecedent basic for

the term " computer operable medium found in claim 14.

Claim Objections

2. Claims 1,4,5,6,8,11,12,13,14,15,17,19 are objected to because of the following

informalities:

In claim 1 line 4 the phrase "the enablement" should be replaced by ---an enablement --

-- in order to improve the clarity of the claim language.

In claim 1 line 7 the phrase " the identification" should be replaced by ---an identification

---- in order to improve the clarity of the claim language.

In claim 4 line 2 the phrase "the group" should be replaced by --- a group ---- in order to

improve the clarity of the claim language.

In claim 5 line 5 the phrase "the enhanced presence ping control packet" should be replaced by ---an enhanced presence ping control packet ---- in order to improve the clarity of the claim language.

In claim 6 line 4 the phrase "an administrator" should be replaced by ---the administrator ---- in order to improve the clarity of the claim language.

In claim 8 line 14 the phrase "the enablement" should be replaced by ---an enablement - --- in order to improve the clarity of the claim language.

In claim 11 line 2 the phrase "the group" should be replaced by --- a group ---- in order to improve the clarity of the claim language.

In claim 12 line 6 the phrase "the enhanced presence ping control packet" should be replaced by ---an enhanced presence ping control packet ---- in order to improve the clarity of the claim language.

In claim 13 line 4 the phrase "an administrator" should be replaced by ---the administrator ---- in order to improve the clarity of the claim language.

In claim 14 line 6 the phrase "the enablement" should be replaced by ---an enablement - --- in order to improve the clarity of the claim language.

In claim 14 line 6 the phrase "the enhanced presence ping bit" should be replaced by ---

an enhanced presence ping bit---- in order to improve the clarity of the claim language.

In claim 15 line 1 the phrase "the software code" should be replaced by ---a software

code---- in order to improve the clarity of the claim language.

In claim 17 line 2 the phrase "the group" should be replaced by --- a group ---- in order

to improve the clarity of the claim language.

In claim 19 line 4 the phrase "an administrator" should be replaced by ---the

administrator ---- in order to improve the clarity of the claim language.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,14,15 are rejected under 35 U.S.C. 102 (b) as being anticipated by

Netbotz et al hereinafter Netbotz (WO 02/0601624).

Referring to claim 1 Netbotz discloses a computer implemented method comprising

retrieving an enhanced presence ping bit; identifying that the enhanced presence ping

bit is enabled, wherein the enablement of the enhanced presence ping bit corresponds

to an enhanced presence ping mode (page 4 lines 25-27); collecting enhanced status

information based upon the identification (page 4 lines 12-13); and sending the

enhanced status information (page 4 line 14-15) to an access point over a wireless

network (page 4 line22).

Claim 14 is rejected for the same reasoning as claim 1.

Referring to claim 2 Netbotz discloses the limitations of claim 1 which is described

above. Netbotz also discloses determining that a timer is enabled, the timer

corresponding to a time at which to send the enhanced status information; detecting

that the enabled timer has expired (page 18 lines 18-22); and performing the collecting

and the sending in response to the detecting (page 26 lines 29-35).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3-13 and 16-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Netbotz (WO 02/0601624) in view of Nowlin (US 2003/0144009 A1).

Referring to claim 3 Netbotz discloses all the limitations of claim 3 which is described above. Netbotz did not disclose the limitations of receiving a ping request from the access point and performing the collecting and the sending in response to receiving the ping request. The general concept of receiving a ping request from the access point; and performing the collecting and the sending in response to receiving the ping request is well known in the art as taught by Nowlin. Nowlin discloses, " receiving a ping request from the access point; and performing the collecting and the sending in response to receiving the ping request."(page 1. [0022]). It would have been obvious to one of ordinary skill in the art to modify Netbotz invention to include "receiving a ping request from the access point; and performing the collecting and the sending in response to receiving the ping request" in order to see if a particular host is reachable across an IP network.

Referring to claim 4 Netbotz discloses the limitations of claim 4 which is described above. Netbotz also discloses the enhanced status information is selected from a

packet number i.e. email (page 20 lines 8-19). Netbotz did not disclose wherein the

enhanced status information is selected from the group consisting of a total packet

number, a signal strength, and a system power state. The general concept of "wherein

the enhanced status information is selected from the group consisting of a signal

strength, and a system power state" is well known in the art as taught by Nowlin. Nowlin

discloses wherein the enhanced status information is selected from the group consisting

of a signal strength [0028], and a system power state [0025]. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Netbotz to

include the enhanced status information is selected from the group consisting of a total

packet number, a signal strength, and a system power state in order for transmitted

signals to be received, measured, or predicted at a reference point that is a significant

distance from the transmitting antenna.

Referring to claim 5 Netbotz discloses all the limitations of claim 5 which is described

above. Netbotz did not disclose the limitations of receiving an enhanced presence ping

control packet from the access point; and enabling the enhanced presence ping bit in

response to receiving the enhanced presence ping control packet. The general concept

of receiving an enhanced presence ping control packet from the access point; and

enabling the enhanced presence ping bit in response to receiving the enhanced

presence ping control packet is well known in the art as taught by Nowlin. Nowlin

discloses, "receiving an enhanced presence ping control packet from the access point;

and enabling the enhanced presence ping bit in response to receiving the enhanced

presence ping control packet" [0023]. It would have been obvious to one of ordinary skill

in the art to modify Netbotz invention to include "receiving an enhanced presence ping

control packet from the access point; and enabling the enhanced presence ping bit in

response to receiving the enhanced presence ping control packet" in order to see if a

particular host is reachable across an IP network.

Referring to claim 6 Netbotz discloses all the limitations of claim 6 described above.

Nebotz did not disclose " wherein the access point is adapted to send the enhanced

presence ping control packet in response to receiving an administrator request from an

administrator, and wherein the access point is also adapted to provide the collected

enhanced status information to the administrator. The general concept of the access

point is adapted to send the enhanced presence ping control packet in response to

receiving an administrator request from an administrator, and wherein the access point

is also adapted to provide the collected enhanced status information to the administrator

is well known in the art as taught by Nowlin. Nowlin discloses the access point is

adapted to send the enhanced presence ping control packet in response to receiving an

administrator request from an administrator, and wherein the access point is also

adapted to provide the collected enhanced status information to the administrator

[0019][0021] and [0022]. It would have been obvious to one of ordinary skill in the to

modify Netbotz invention to include the access point is adapted to send the enhanced

presence ping control packet in response to receiving an administrator request from an

administrator, and wherein the access point is also adapted to provide the collected

enhanced status information to the administrator in order to provide successful service

to the user.

Referring to claim 7 Nebotz discloses all the limitations of claim 7which is described

above. Nebotz did not disclose wherein the wireless network functions as a shared

transmission medium. The general concept of the wireless network functions, as a

shared transmission medium is well known in the art as taught by Nowlin. Nowlin

discloses the wireless network functions as a shared transmission medium ([0042] lines

11-15). It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Nebotz to include the wireless network functions as a shared

transmission medium in order to carry a signal or wave.

Referring to claim 8 Nebotz discloses information one or more nonvolatile storage; one

or more nonvolatile storage devices accessible by the processors (page 17 lines 29-35);

collect enhanced status information from one of the nonvolatile storage devices based

upon the identification (page 17 lines 36-40) (page 18 lines 4-10); one or more timers

(page 18 lines19-22). Nebotz did not disclose "an information handling system handling

system comprising: one more processors; a memory accessible by the processors; one

or more nonvolatile storage devices accessible by the processors; one or more

registers; and a enhanced presence ping tool for providing enhanced status information, the enhanced presence ping tool comprising software code effective to: retrieve an enhanced presence ping bit from one of the registers; identify that the enhanced presence ping bit is enabled, wherein the enablement of the enhanced presence ping bit corresponds to an enhanced presence ping mode; and send the enhanced status information to an access point over a wireless network". The general concept of "an information handling system handling system comprising: one more processors; a memory accessible by the processors; one or more registers; and a enhanced presence ping tool for providing enhanced status information, the enhanced presence ping tool comprising software code effective to: retrieve an enhanced presence ping bit from one of the registers; identify that the enhanced presence ping bit is enabled, wherein the enablement of the enhanced presence ping bit corresponds to an enhanced presence ping mode; and send the enhanced status information to an access point over a wireless network" is well known in the art as taught by Nowlin. Nowlin discloses "an information handling system handling system comprising: one more processors; a memory accessible by the processors [0023]; one or more registers [0042]; and a enhanced presence ping tool for providing enhanced status information, the enhanced presence ping tool comprising software code effective to [0023][0044]: retrieve an enhanced presence ping bit from one of the registers [0042]; identify that the enhanced presence ping bit is enabled, wherein the enablement of the enhanced presence ping bit corresponds to an enhanced presence ping mode; and send the enhanced status information to an access point over a wireless network(Abstract)". It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Nebotz

invention to include "an information handling system handling system comprising: one

more processors; a memory accessible by the processors; one or more registers; and a

enhanced presence ping tool for providing enhanced status information, the enhanced

presence ping tool comprising software code effective to: retrieve an enhanced

presence ping bit from one of the registers; identify that the enhanced presence ping bit

is enabled, wherein the enablement of the enhanced presence ping bit corresponds to

an enhanced presence ping mode; and send the enhanced status information to an

access point over a wireless network in order to " in order to see if a particular host is

reachable across an IP network.

Referring to claim 9 Nebotz and Nowlin discloses all the limitations of claim 9 which is

described above. Nebotz also discloses software code is further effective to: determine

that one of the timers is enabled, the timer corresponding to a time at which to send the

enhanced status information; detect that the enabled timer has expired (page 26 lines

29-35); and perform the collecting and the sending in response to the detecting (page

26 lines 29-35).

Referring to claim 10 Netbotz discloses all the limitations of claim 10 which is described

above. Netbotz did not disclose the limitations of receive a ping request from the access

point and perform the collecting and the sending in response to receiving the ping

request. The general concept of receive a ping request from the access point; and

perform the collecting and the sending in response to receiving the ping request is well known in the art as taught by Nowlin. Nowlin discloses, " receiving a ping request from the access point; and performing the collecting and the sending in response to receiving the ping request."(page 1. [0022]). It would have been obvious to one of ordinary skill in the art to modify Netbotz invention to include "receiving a ping request from the access point; and performing the collecting and the sending in response to receiving the ping request" in order to see if a particular host is reachable across an IP network.

Referring to claim 11 Netbotz discloses the limitations of claim 11 which is described above. Netbotz also discloses the enhanced status information is selected from a packet number i.e. email (page 20 lines 8-19). Netbotz did not discloses wherein the enhanced status information is selected from the group consisting of a total packet number, a signal strength, and a system power state. The general concept of "wherein the enhanced status information is selected from the group consisting of a signal strength, and a system power state" is well known in the art as taught by Nowlin. Nowlin discloses wherein the enhanced status information is selected from the group consisting of a signal strength [0028], and a system power state [0025]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Netbotz to include the enhanced status information is selected from the group consisting of a total packet number, a signal strength, and a system power state in order for transmitted signals to be received, measured, or predicted at a reference point that is a significant distance from the transmitting antenna.

Referring to claim 12 Netbotz discloses all the limitations of claim 12 which is described above. Netbotz did not disclose the limitations of receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet. The general concept of receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet is well known in the art as taught by Nowlin. Nowlin discloses, "receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet" [0023]. It would have been obvious to one of ordinary skill in the art to modify Netbotz invention to include "receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet" in order to see if a particular host is reachable across an IP network.

Referring to claim 13 Netbotz discloses all the limitations of claim 13 described above. Nebotz did not disclose " wherein the access point is adapted to send the enhanced presence ping control packet in response to receiving an administrator request from an administrator, and wherein the access point is also adapted to provide the collected enhanced status information to the administrator. The general concept of the access point is adapted to send the enhanced presence ping control packet in response to

receiving an administrator request from an administrator, and wherein the access point

is also adapted to provide the collected enhanced status information to the administrator

is well known in the art as taught by Nowlin. Nowlin discloses the access point is

adapted to send the enhanced presence ping control packet in response to receiving an

administrator request from an administrator, and wherein the access point is also

adapted to provide the collected enhanced status information to the administrator

[0019][0021] and [0022]. It would have been obvious to one of ordinary skill in the to

modify Netbotz invention to include the access point is adapted to send the enhanced

presence ping control packet in response to receiving an administrator request from an

administrator, and wherein the access point is also adapted to provide the collected

enhanced status information to the administrator in order to provide successful service

to the user.

Referring to claim 17 Netbotz discloses the limitations of claim 17 which is described

above. Netbotz also discloses the enhanced status information is selected from a

packet number i.e. email (page 20 lines 8-19). Netbotz did not disclose wherein the

enhanced status information is selected from the group consisting of a total packet

number, a signal strength, and a system power state. The general concept of "wherein

the enhanced status information is selected from the group consisting of a signal

strength, and a system power state" is well known in the art as taught by Nowlin. Nowlin

discloses wherein the enhanced status information is selected from the group consisting

of a signal strength [0028], and a system power state [0025]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Netbotz to include the enhanced status information is selected from the group consisting of a total packet number, a signal strength, and a system power state in order for transmitted signals to be received, measured, or predicted at a reference point that is a significant distance from the transmitting antenna.

Referring to claim 18 Netbotz discloses all the limitations of claim 18 which is described above. Netbotz did not disclose the limitations of receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet. The general concept of receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet is well known in the art as taught by Nowlin. Nowlin discloses, "receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet" [0023]. It would have been obvious to one of ordinary skill in the art to modify Netbotz invention to include "receive an enhanced presence ping control packet from the access point; and enable the enhanced presence ping bit in response to receiving the enhanced presence ping control packet" in order to see if a particular host is reachable across an IP network.

Referring to claim 19 Netbotz discloses all the limitations of claim 19 described above.

Nebotz did not disclose " wherein the access point is adapted to send the enhanced

presence ping control packet in response to receiving an administrator request from an

administrator, and wherein the access point is also adapted to provide the collected

enhanced status information to the administrator. The general concept of the access

point is adapted to send the enhanced presence ping control packet in response to

receiving an administrator request from an administrator, and wherein the access point

is also adapted to provide the collected enhanced status information to the administrator

is well known in the art as taught by Nowlin. Nowlin discloses the access point is

adapted to send the enhanced presence ping control packet in response to receiving an

administrator request from an administrator, and wherein the access point is also

adapted to provide the collected enhanced status information to the administrator

[0019][0021] and [0022]. It would have been obvious to one of ordinary skill in the to

modify Netbotz invention to include the access point is adapted to send the enhanced

presence ping control packet in response to receiving an administrator request from an

administrator, and wherein the access point is also adapted to provide the collected

enhanced status information to the administrator in order to provide successful service

to the user.

Referring to claim 20 Nebotz discloses all the limitations of claim 20 which is described

above. Nebotz did not disclose wherein the wireless network functions as a shared

transmission medium. The general concept of the wireless network functions, as a shared transmission medium is well known in the art as taught by Nowlin. Nowlin discloses the wireless network functions as a shared transmission medium ([0042] lines 11-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nebotz to include the wireless network functions as a shared transmission medium in order to carry a signal or wave.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashley d. Turner whose telephone number is 571-270-1603. The examiner can normally be reached on Monday thru Friday 7:30a.m. - 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2603.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
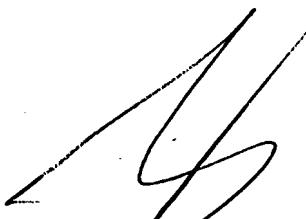

Patent Examiner: Supervisory Patent Examiner

_____   _____
Ashley Turner   Nathan Flynn

        Date:_____   Date:_____

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER